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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,171	10/22/2001	Elizabeth Cates	5235	1594

7590

01/23/2003

Milliken & Company
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EXAMINER

GRENDZYNSKI, MICHAEL E

ART UNIT

PAPER NUMBER

1774

DATE MAILED: 01/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,171

Applicant(s)

CATES ET AL.

Examiner

Michael E. Grendzynski

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-28 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

- a. A device including (1) a textile substrate and (2) a coating thereon comprising (i) a repellant finish chemical comprising a fluorochemical, (ii) a cationic material and (iii) an absorbent polymer (claims 1-3 and 23-28);
- b. A device including (1) a textile substrate and (2) a coating thereon comprising (i) a repellant finish chemical comprising a silicone, (ii) a cationic material and (iii) an absorbent polymer (claims 1, 4-6 and 23-28);
- c. A device including (1) a textile substrate and (2) a coating thereon comprising (i) a repellant finish chemical comprising a resin, (ii) a cationic material and (iii) an absorbent polymer (claims 1, 7-9 and 23-28);
- d. A device including (1) a textile substrate and (2) a coating thereon comprising (i) a repellant finish chemical comprising a material selected from consisting of waxes, wax-metal emulsions, and organometallic complexes; (ii) a cationic material and (iii) an absorbent polymer (claims 1, 10 and 23-28);
- e. A device including (1) a textile substrate and (2) a coating thereon comprising (i) a repellant finish chemical, (ii) a cationic material comprising a polymeric compound and (iii) an absorbent polymer (claims 1, 11 and 23-28);
- f. A device including (1) a textile substrate and (2) a coating thereon comprising (i) a repellant finish chemical, (ii) a cationic material comprising a non-polymeric organic compound and (iii) an absorbent polymer (claims 1, 12 and 23-28);

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- g. A device including (1) a textile substrate and (2) a coating thereon comprising (i) a repellant finish chemical, (ii) a cationic material comprising a metal salt and (iii) an absorbent polymer (claims 1, 13-14 and 23-28);
- h. A device including (1) a textile substrate and (2) a coating thereon comprising (i) a repellant finish chemical, (ii) a cationic material and (iii) an absorbent polymer comprising a synthetic polymer (claims 1, 15 and 23-28);
- i. A device including (1) a textile substrate and (2) a coating thereon comprising (i) a repellant finish chemical, (ii) a cationic material and (iii) an absorbent polymer comprising a natural polymer (claims 1, 16 and 23-28);
- j. A device including (1) a textile substrate comprising a woven fabric and (2) a coating thereon comprising (i) a repellant finish chemical, (ii) a cationic material and (iii) an absorbent polymer (claims 1 and 17);
- k. A device including (1) a textile substrate comprising a knit fabric and (2) a coating thereon comprising (i) a repellant finish chemical, (ii) a cationic material and (iii) an absorbent polymer (claims 1 and 18);
- l. A device including (1) a textile substrate comprising a nonwoven fabric and (2) a coating thereon comprising (i) a repellant finish chemical, (ii) a cationic material and (iii) an absorbent polymer (claims 1 and 19);
- m. A device including (1) a textile substrate comprising a pile material and (2) a coating thereon comprising (i) a repellant finish chemical, (ii) a cationic material and (iii) an absorbent polymer (claims 1 and 20); *or*
- n. A device including (1) a textile substrate; (2) a coating thereon comprising (i) a repellant finish chemical, (ii) a cationic material and (iii) an absorbent polymer and (3) a image (claims 21-22);

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Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or *clearly admit on the record that this is the case*. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, **the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.**

2. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).
3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Conclusion

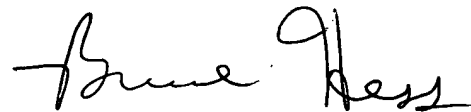
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael E. Grendzynski whose telephone number is 703-305-0593. The examiner can normally be reached on weekdays, from 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 703-308-0449. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-5408 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2351.



Michael E. Grendzynski
Assistant Examiner
January 13, 2003



BRUCE H. HESS
PRIMARY EXAMINER